

UNITED STATES DISTRICT COURT

for the

District of Montana

United States of America

v.

Rosemarie Ann Murrow

Case No: CR 21-11-H-BMM

USM No: 71574-509

Date of Original Judgment: 10/05/2022

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of _____ months **is reduced to** _____ .
(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)

Defendant seeks a sentence reduction under the retroactive application to the criminal history rules in Part A of Amendment 821 to the United States Sentencing Guidelines. (*See Doc. 55.*) Defendant is ineligible.

Part A limits the overall criminal history impact of "status points" for offenders who committed the instant offense while under a criminal justice sentence. *See* USSG Ret. App. A & B, Sub. 1 Amendment 821 "Reasons for Amendment" (Nov. 1, 2023). Here, Defendant did not receive any Chapter Four "status points." (PSR ¶¶ 56–57.) Accordingly, because Defendant is ineligible for a sentence reduction under the retroactive application of Amendment 821, her motion is denied.

Defendant Murrow remains free to file with the Court a motion for a sentence reduction pursuant 18 U.S.C. § 3582(c) on a basis other than claimed eligibility for retroactive application of Amendment 821.

Except as otherwise provided, all provisions of the judgment dated _____ shall remain in effect.

IT IS SO ORDERED.

Order Date: 2/13/2024



Judge's signature

Effective Date: _____
(if different from order date)

Chief Judge Brian Morris
Printed name and title